

1.0 INTRODUCTION

Tēnā koutou
Ko Mangatiki tōku maunga
Ko Manawarakau tōku awa
Ko Kairakau tōku whenua papatipu
Ko Ngai Te Oatua tōku hapū
Ko Ngati Kahungunu tōku iwi
Kei te noho au ki Kairakau
Ko Stella August tōku ingoa
Tēnā tatou kātoa

Thank you for having me here today. I would like to acknowledge Dr Roger Maaka, Chairman Robert Schofield and the Commissioners for your dedication to Te Taiao. Finally, a mihi to Mayor Alex and her team at the CHBDC for the work they do.

Briefly, I have a Master of Science with a marine and freshwater focus and am currently studying for a Master of Archaeological Practice through the University of Otago. My experiences that inform a lot of the points in the submission however, come from the work I have been involved with for the Kairakau Lands Trust over the past few years.

We have 1500 hectares of Māori land that we have retained over the years, from the Kairakau Block that passed through the Native Land Court in 1869. It was a part of lands leased by the Chapman and Rhodes brothers in 1853 and after 168 years of leasing our land, in 2021 we began farming our land for the direct benefit of our shareholders. We have a sheep and beef farming operation and commercial forestry too.

Sorry to not be there in person as I intended. Today I will cover the following submission points.

Historic Heritage

Submission Point	Plan Chapter	Provision
S84.023	National Direction Instruments	National Environmental Standards

Tangata Whenua Provisions

Submission Point	Plan Section	Provision
S84.004	Historical and Cultural Values	SASM-I1
S84.005	Historical and Cultural Values	SASM-R1
S84.006	Historical and Cultural Values	SASM-R2
S84.007	Historical and Cultural Values	SASM-R3
S84.008	Historical and Cultural Values	SASM-R4
S84.009	Historical and Cultural Values	SASM-R5
S84.010	Historical and Cultural Values	SASM-R6
S84.019	Strategic Direction	TW-P7
S84.021	Strategic Directions	TW-Principal Reasons

2.0 HEARING PROCESS

- 2.1 Just a general comment about the process. I stand before you today not because I am a planner or a lawyer, not because I have a financial benefit from what is (or isn't) in this PDP, not because it is my job, not because I have lots of spare time, not because this is what I love to do.
- 2.2 I stand before you today because I need to. Because my experiences as a part of the KLT means that we are obliged to participate in this process in order to improve the District Plan so that it meets our needs as tangata whenua, as a Treaty partner.
- 2.3 But this process is brutal and intimidating. While I understand the need for a rigorous process that is fair and transparent, it is confronting on several levels. We have little experience with other district plans and planning in general, so our submission did not make many suggestions regarding the wording of specific provisions. The reason I am here is because I see the benefit of other submitters hearing directly what we have to say as representatives of tangata whenua with the hope of increasing understanding about our Māori views and values.
- 2.4 I understand that there has been a change in process to assist tangata whenua to participate in this process with a wananga, and I welcome this, but I would like the Commissioners to reflect on this process. Consider the voices that are heard and the issues that are discussed and reflect on this in conjunction with the voices that are not heard, the issues that are not discussed, as a result of the real imbalance that this process encourages.

3.0 HISTORIC HERITAGE – NATIONAL DIRECTION INSTRUMENTS

3.1 National Environmental Standards - Submission Point S84.023

Refer to pages 22 and 25 of Historic Heritage Officers Report

- 3.1.1 The National Environmental Standard for Plantation Forestry (NES-PF) provides a set of standards to manage eight core forestry activities and their effects. These activities include afforestation, earthworks and harvesting, all of which can significantly affect historic and cultural heritage. But the NES-PF regulations do not address historic and cultural heritage and values.
- 3.1.2 It states in the ‘NES-PF: Overview of the regulations’, a resource developed by the Ministry for the Environment for councils and foresters, that regional and district plan rules apply to forestry activities affecting heritage.
- 3.1.3 The New Zealand Forest Owners Association has an Environmental Code of Practice that addresses cultural and historic heritage, it has some good recommendations, but this is described in their own words as a ‘reference tool’.
- 3.1.4 We believe the PDP does not have any rules to manage the effects of activities associated with forestry operations on historic and cultural heritage. Consequently, heritage is continually ignored, especially in relation to afforestation.
- 3.1.5 Certain activities are managed by both District and Regional councils under the NES-PF. For example: Afforestation must not occur;
- within 10m of a Significant Natural Area (SNA), identified in the District plan, managed by District Council,
 - OR within 5m of a wetland larger than 0.25ha, water as a resource is managed by Regional Council.
- 3.1.6 I know of at least two examples where archaeological sites have been planted in pine trees, where those trees subsequently had to be pulled out as they were on an archaeological site and were therefore, illegal. It is more cost-effective for the owner to not plant an archaeological site than it is to manage the effect a tree or trees on that site.
- 3.1.7 We would like to know who is ensuring that forestry companies and landowners are aware of their obligations regarding cultural and historic heritage?
- 3.1.8 There is a real need for this to be addressed by the PDP. The Officers Report notes that no specific amendments were sought. With our limited planning experience, all we can suggest is that historic and cultural heritage be included in the PDP where there is a change in land use, subdivision AND in association with Council’s NES-PF responsibilities.

3.2 National Environmental Standard for Plantation Forestry: Overview of Regulations – Ministry for the Environment.

<https://environment.govt.nz/publications/national-environmental-standards-for-plantation-forestry-overview-of-the-regulations/>

New Zealand Environmental Code of Practice for Plantation Forestry – New Zealand Forest Owners Association.

<https://www.nzfoa.org.nz/resources/file-libraries-resources/codes-of-practice>

4.0 TANGATA WHENUA PROVISIONS – HISTORICAL AND CULTURAL VALUES

4.1 SASM-I1 Loss of Sites and Areas of Significance to Māori – Submission Point S84.004 Refer to page 33 Tangata Whenua Provisions Officers Report

Protection of site values and areas of cultural and spiritual significance to tangata whenua requires identifying and mapping these sites and areas and understanding their values. This process is led by tangata whenua who hold this information and knowledge.

- 4.1.1 The paragraph above suggests that protection will be afforded to sites and areas of significance to Māori and their values will be understood if they are identified and mapped, a process to be led by tangata whenua.
- 4.1.2 Our point is that neither identifying them or mapping them will ensure they are protected. It definitely won't mean that their value is understood.
- 4.1.3 Heritage is a personal thing and is based on experiences that determine if you place value on a place or some object. The only way we are to improve protection and to increase understanding about our values is through education.
- 4.1.4 We have had recorded sites damaged.
- 4.1.5 To prevent the loss of sites and areas of significance to Māori, tangata whenua need to have the authority to decide what cultural sites are recorded, which are not, a PDP that accommodates both those options and, the ability to check if there are unrecorded sites in an area of development. We cannot lead this process but we do need to be involved in the process, where relationships and education can help people to understand the value we place on our sites with the objective of achieving protection.
- 4.1.6 We feel that the issue needs to be reworded or rephrased.

4.2 SASM-Rules (SASM-R1 to SASM-R6) – Submission Points S84.005 inclusive to S84.010 Refer to page 34 Tangata Whenua Provisions Officers Report

- 4.2.1 We are happy with the explanation in the Officer's Report that the rule framework seeks only to regulate activities that will impact on Sites and Areas of Significance to Māori identified in Schedule (SASM-SCHED3).

5.0 TANGATA WHENUA PROVISIONS -

5.1 TW-P7 – Submission Point S84.019

Key Issue 9 - Refer to page 27 Tangata Whenua Provisions Officers Report

Where there is no agreed procedure between tangata whenua and the resource user, to implement procedures in conjunction with the tangata whenua when any burial sites or Māori artefacts are unearthed or disturbed.

5.1.1 TW-P7 is stated above. Part 2 of the Protected Objects Act 1975 defines the process to follow when a Māori artefact (or taonga tūturu) is found in New Zealand.

5.1.2 And Heritage New Zealand has a useful guide “Archaeological Guidelines Series No. 8. Koiwi Tangata/Human Remains” that sets out the ‘best practice’ to follow in New Zealand. This document lists the five different pieces of legislation that are concerned when a koiwi tangata is discovered.

5.1.3 I am not sure if the comment at 11.2.4 in the Officer’s report is relating to our submission as we did not request TW-P7 be deleted, and we did note the two references above in our submission.

5.1.4 We feel that TW-P7 is unnecessary as there are two existing processes to follow, that do not require involvement by Council. Taonga tūturu is a clearly defined process but the protocols regarding koiwi tangata are determined by hapū and can vary substantially.

5.1.5 We accept reference to an Accidental Discovery Protocol as discussed in Key Issue 10 (pages 28-29 Tangata Whenua Provisions Officers Report).

5.2 TW-Principal Reasons – Submission Point S84.021

Where sites or areas of significance are not formally included in the District Plan it is recognised that the role that tangata whenua can play within the planning process is more limited and is likely to be as an affected party for certain activities or activities in the coastal environment, near waterbodies, near marae or urupā, or as a submitter when a resource consent application is notified.

5.2.1 To reiterate our original submission comments but in a different way, the paragraph above states that the role tangata whenua have in the planning process is more limited when their cultural sites are not listed in the District Plan SASM schedule. It implies that the role for tangata whenua then becomes reactive rather than proactive.

5.2.2 Our point is that there are many reasons why a site may not be listed. It may be inappropriate to publicly identify a site location for example. In other cases the history or location of a site may have been lost or forgotten.

5.2.3 In recognising the interests of tangata whenua, many factors need to be considered and the PDP (and Council in implementing it), should reflect the complex and variable nature of working with whānau and hapū. This paragraph is very exclusive rather than inclusive and may benefit from rewording.

5.3 Links to references

Heritage New Zealand Archaeological Guidelines Series No. 8. Koiwi Tangata/Human Remains

https://www.heritage.org.nz/resources/research-and-papers/~link.aspx?_id=0D300BAD4D1841ADA5C43A63AC0C94BE&_z=z

Thank you for time. Are there any questions?